

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RIMSYS, INC.,

Plaintiff,

v.

KAREN COHN,

Defendant.

Civil Action No. 2:23-cv-1630

**DEFENDANT KAREN COHN'S MOTION TO
DISMISS PLAINTIFF RIMSYS, INC.'S COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendant Karen Cohn ("Ms. Cohn"), by and through her undersigned counsel, files this Motion to Dismiss Plaintiff Rimsys, Inc.'s ("Rimsys") Complaint and respectfully moves the Court to dismiss Rimsys's Complaint with prejudice. In support thereof, Ms. Cohn states as follows:

1. On September 11, 2023, Rimsys commenced this action by filing a Verified Complaint and Motion for Temporary Restraining Order and Preliminary Injunction. *See* DE Nos. 1 and 4.
2. The Complaint was personally served on Ms. Cohn on September 12, 2023.
3. For all of the reasons set forth in Ms. Cohn's accompanying Memorandum of Law in Support of Motion to Dismiss Plaintiff Rimsys's Complaint, which is incorporated by reference, Ms. Cohn respectfully requests that the Court dismiss each of the causes of action in Rimsys's Complaint with prejudice.

4. Defendant Karen Cohn has made good faith efforts to confer with the non-movant to determine whether the identified pleading deficiencies properly may be cured by amendment, and the parties have been unable to reach agreement.

WHEREFORE, for the reasons set forth above and for the reasons set forth in Ms. Cohn's Memorandum of Law in Support of Motion to Dismiss Plaintiff Rimsys's Complaint, this Court should dismiss Rimsys's Complaint with prejudice.

Dated: October 3, 2023

Respectfully submitted,

BARNES & THORNBURG LLP

/s/ Molly E. Flynn

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CERTIFICATE OF CONFERRAL

I hereby certify that Defendant Karen Cohn has made good faith efforts to confer with the non-movant to determine whether the identified pleading deficiencies properly may be cured by amendment, and the parties have been unable to reach agreement.

Dated: October 3, 2023

/s/ Molly Flynn

Molly E. Flynn

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed Defendant's Motion to Dismiss Plaintiff's Complaint, Defendant's Memorandum of Law in Support of Motion to Dismiss Plaintiff's Complaint, Defendant's Proposed Order, and the Certificate of Conferral using the Court's CM/ECF system on October 3, 2023, which will send notification of filing to those attorneys registered with the Court on October 3, 2023.

Dated: October 3, 2023

/s/ Molly Flynn
Molly E. Flynn